

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEPHANIE O'CONNOR,

Plaintiff,

v.

NATIONAL DEFAULT SERVICING
CORPORATION; et al.,

Defendants.

3:11-cv-0915-LRH-VPC

ORDER

Before the court is defendant BankUnited, FSB's ("BankUnited") motion to expunge lis pendens. Doc. #57.¹ Plaintiff Stephanie O'Connor ("O'Connor") did not file an opposition.

In April 2005, O'Connor purchased real property through a mortgage note and deed of trust executed by BankUnited. O'Connor defaulted on the property and defendants initiated non-judicial foreclosure proceedings. Subsequently, O'Connor filed a complaint for wrongful foreclosure against defendants. Doc. #1, Exhibit 2. In response, defendant BankUnited filed a motion to dismiss (Doc. #27) which was granted by the court (Doc. #48). Thereafter, BankUnited filed the present motion to expunge lis pendens. Doc. #57.

The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion under LR 7-2(d). Moreover, the court finds

¹ Refers to the court's docket entry number.

1 that defendant's motion to expunge lis pendens is warranted based on the court's July 30, 2012
2 order of dismissal. Doc. #49. Accordingly, the court shall grant defendant's motion to expunge lis
3 pendens.

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5 IT IS THEREFORE ORDERED that defendant's motion to expunge lis pendens (Doc. #57)
6 is GRANTED. Defendant BankUnited, FSB shall have ten (10) days to submit an appropriate
7 proposed order expunging the lis pendens and submit the same for approval and signature.

8 DATED this 27th day of September, 2013.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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